

Amendment

**TOWNSEND and TOWNSEND and CREW LLP**  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

Attorney Docket No. 85760-000000US  
Client Ref No. AR001US

In re application of: MITSUHARA et al.

Date: December 23, 1999

Application No.: 08/805,813

I hereby certify that this is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Filed: February 26, 1997

BOX AF

Group Art Unit: 1649

Assistant Commissioner for Patents  
Washington, D.C. 20231

For: PATHOGEN-RESISTANT PLANTS AND METHOD FOR PRODUCTION THEREOF

THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Signed: Jennifer K. Hardin  
Jennifer K. Hardin

Corres. and Mail  
**BOX AF**

**RECEIVED**

JAN 4 - 2000

TECH CENTER 1600/2900

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [ X ] Enclosed is a petition to extend time to respond.  
[ X ] Exhibits 1-10  
[ X ] Notice of Appeal

If any extension of time is needed, then this response should be considered a petition therefor.  
The filing fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)		
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 20	MINUS	** 20	= 0
INDEP.	* 2	MINUS	*** 4	= 0
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE		RATE	ADDIT. FEE
x \$9.00 =			x \$18.00 =	\$0.00
x \$39.00 =			x \$78.00 =	\$0.00
+ \$130.00 =			+ \$260.00 =	
TOTAL ADDIT. FEE		OR	TOTAL	\$0.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, then write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

[ X ] No fee is due.

Please charge Deposit Account No. 20-1430 as follows:

[ ] Claims fee \$ \_\_\_\_\_  
[ X ] Any additional fees associated with this paper or during the pendency of this application.

NO extra copies of this sheet are enclosed.

TOWNSEND and TOWNSEND and CREW LLP

Kathleen L. Choi  
Kathleen L. Choi, 43,433  
Attorneys for Applicant

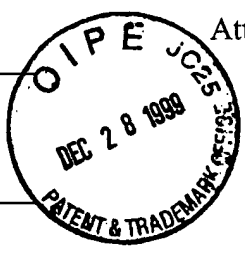
Box AF

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE -  
EXAMING GROUP 1649

Assistant Commissioner for Patents  
Washington, D.C. 20231

On December 23, 1999



PATENT  
Attorney Docket No.: 85760-000000  
Client Reference No.: AR001us

TOWNSEND and TOWNSEND and CREW LLP

By: Jennifer K. Hardin  
Jennifer K. Hardin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

25  
E  
1-10-00  
(E)

In re application of:

Mitsuhara *et al.*

Application No.: 08/805,813

Filed: February 26, 1997

For: PATHOGEN-RESISTANT  
PLANTS AND METHOD FOR  
PRODUCTION THEREOF

Examiner: Nelson, A.

Art Unit: 1649

AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1649

OK TO ENTER  
ATN 1/31/00

**Box AF**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit this amendment in response to the Office Action mailed July 26, 1999 in the above-referenced application. A petition to extend the period for response for two months, from October 26, 1999 to and including December 26, 1999, is enclosed. Also enclosed is a Notice of Appeal.

Applicants request reconsideration of the application in view of the amendments and remarks that follow.

AMENDMENT

IN THE CLAIMS:

Please cancel claims 1-20 without prejudice to subsequent renewal.

Please add the following new claims.